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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/004,719	12/04/2001	Stephen P. Claussen	60680-553	1202

7590 06/04/2003

DYKEMA GOSSETT PLLC  
39577 Woodward Avenue, Suite 300  
Bloomfield Hills, MI 48304

EXAMINER

DICKENS, CHARLENE

ART UNIT

PAPER NUMBER

2855

DATE MAILED: 06/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/004,719	CLAUSSEN ET AL. <i>AS</i>
Examiner	Art Unit	
Ex. Dickens	2855	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 25 March 2003.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 16-29 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 16-29 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.
 

If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 10.
- 4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 3/25/03 has been entered.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 16-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. (US Patent 5,409,045) in view of McGhee (US Patent 5,505,080). With respect to claims 16 and 23, Walker et al. discloses a method of determining a tire pressure in a vehicle tire comprising the steps of: ascertaining a first fluid pressure in a conduit disposed between a fluid source and said tire (col. 9, lines 13-16); comparing said first fluid pressure to a target pressure (col. 10, lines 19, 20);

incrementing a counter when said first fluid pressure is less than said target pressure (col. 6, lines 14-23); comparing said counter to a predetermined value (Figs. 5, 5A); providing a pulse of compressed fluid to said conduit when said first fluid pressure is less than said target pressure and said counter is less than said predetermined value, said pulse having a duration determined responsive to a duration of a previous pulse of compressed fluid provided to said conduit (Figs. 5, 5A) and a change in pressure in said conduit resulting from said previous pulse; and, repeating said ascertaining, comparing, and providing steps until said first fluid pressure in said conduit reaches said target pressure or said counter reaches said predetermined value (Figs. 5, 5A, 6). However Walker et al. does not disclose using a sensor disposed in a conduit. McGhee discloses a sensor 156 disposed in a conduit (Fig. 3) for the purpose of measuring the pressure within the conduit (col. 7, lines 59-61). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a sensor disposed in a conduit in Walker et al. as taught by McGhee for the purpose of measuring the pressure within the conduit (col. 7, lines 59-61). Claims 17, 24: Walker et al. discloses wherein said first fluid pressure is ascertained following a predetermined hold time that begins after said previous pulse is provided to said conduit (col. 7, lines 47-49);

Claims 18, 25: Walker et al discloses wherein said duration of said previous pulse is a preset period (col. 7, lines 47-49) ;

Claims 19, 26: Walker et al discloses wherein said duration of said pulse is determined in accordance with the following

formula:  $D_1 = n * D_0 * (P_T - \text{temp}_1) / (\text{temp}_1 - P_L)$

wherein n is a predetermined value,  $D_0$  is said duration of said previous pulse,  $P_T$  is said target pressure,  $\text{temp}_1$  is said first fluid pressure and  $P_L$  is a previous fluid pressure in said conduit resulting from said previous pulse (Figs. 5, 5A, 6);

Claims 20, 27: Walker et al discloses determining a second fluid pressure in said conduit following a predetermined line leak hold time; and, comparing said first and second fluid pressures (Figs. 5, 5A);

Claims 21, 28: Walker et al discloses wherein said tire pressure equals said first fluid pressure if a difference between said first and second fluid pressures is less than a predetermined amount (col. 10, lines 25-35);

Claims 22, 29: Walker et al discloses logging a line leak fault if a difference between said first and second fluid pressures is greater than a predetermined amount (col. 5, lines 57-64).

4. Applicant's arguments with respect to claims 16-29 have been considered but are moot in view of the new ground(s) of rejection.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Dickens or the supervisor, Edward Lefkowitz, whose telephone number is (703) 305-7047 or 305-4816, respectively.

*CD*  
cd/dickens  
June 1, 2003

*Edward Lefkowitz*  
**EDWARD LEFKOWITZ**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2800**